

**Rocky Flats Citizens Advisory Board  
Meeting Minutes  
January 5, 2006  
6 to 9 p.m.  
College Hill Library, Room L-107  
Front Range Community College, Westminster**

Board Chair Jerry DePoorter called the meeting to order at 6:00 p.m.

**BOARD / EX-OFFICIO MEMBERS PRESENT:** Jerry DePoorter, Joe Downey, Earl Gunia, Erin Hamby, Bill Kossack, Mary Mattson, Bill McNeill, Andrew Ross, Hank Stovall, Phil Tomlinson / Dean Rundle (USFWS), Larry Kimmel (EPA), Carl Spreng (CDPHE), Scott Surovchak (DOE-LM)

**BOARD / EX-OFFICIO MEMBERS ABSENT:** Suzanne Allen, Mike Maus / John Rampe (DOE-RFPO)

**PUBLIC / OBSERVERS PRESENT:** Bob Darr (DOE-RFPO), Mark Sattelberg (USFWS), James Campbell (Westminster resident), Doug Hansen (Stoller), Shirley Garcia (Broomfield), Dan Miller (Colorado Attorney General's Office), Amy Thornburg (USFWS), Pam Tumler (GAO) / Ken Korkia (RFCAB staff), Patricia Rice (RFCAB staff)

**PUBLIC COMMENT / NEW BUSINESS:**

Pam Tumler with the Government Accountability Office asked those Board members who have not yet completed the survey her organization had recently sent out to please do so. She also thanked those who had already completed the survey.

**DISCUSSION ON MAPS AND OTHER GRAPHICS DEPICTING AREAS OF RESIDUAL CONTAMINATION:**

When the Board began this discussion in December, the members' original intent was to gather information as part of a risk communication project. The Department of Energy has decided not to provide funding for this project. As an alternative, the Board has decided to include recommendations on how best to depict areas of residual contamination and to explain remaining risks at the site as part of a recommendation the Board will submit on the upcoming Proposed Plan.

To begin the discussion, community member James Campbell described efforts he has made in his neighborhood related to what type of information about Rocky Flats his neighbors are interested in. James lives in the Five Parks subdivision just south and east of Rocky Flats. He prepared a summary of the responses to four questions he asked, which was distributed to the Board. The first question asked whether his neighbors were interested in maps depicting just the site or whether they should include off-site areas. Generally, his neighbors were interested in a map that provides some context of where they live in relation to the site. Next, he asked whether they were interested in depictions of only plutonium contamination, or should other contaminants be shown as well. Most felt that plutonium is indeed important, but there was interest in seeing information about other contaminants such as volatile organic compounds. The next question he posed was whether people were more interested in surface or subsurface contamination. He was surprised to learn that most were interested in subsurface contamination. He stated that he believed more education was necessary to explain the risks because people had misperceptions about their potential exposure to buried contaminants. Finally, he asked about whether persons were interested in seeing maps depicting results from discrete sampling points or whether contour maps were better. Most felt contour maps did a better job and were easier to interpret. The Board thanked James for his efforts.

Next, Patricia Rice reviewed a set of maps culled from the larger collection shown last month that reflected what she felt were the important points raised by the Board. These maps included one depicting historical site features, one showing surface plutonium contamination, and another showing subsurface plutonium contamination. Other maps included one showing locations of buried building foundations, one that showed residual contamination near former process waste lines, and a final one showing groundwater contamination plumes.

A comment was raised that any depiction of residual contamination needs to include information about risk. An

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example was raised about the picture showing areas of plutonium contamination above 9.8 picocuries per gram of soil. Those knowledgeable about the site know that the excess cancer risk from contamination at this level is one in a million for a wildlife refuge worker and substantially less for a site visitor. Still, when people see a map showing plutonium contamination at any level they are going to assume it presents a danger. Thus, information needs to accompany any map that puts the contamination depicted in context of the risk it presents.

The Board generally agrees that contour type maps are best for depicting areas of contamination. When asked, Scott Surovchak with the Office of Legacy Management stated that it would be difficult to produce a post-cleanup map showing contours of varying levels of residual plutonium contamination because there no longer is a uniform distribution. The current map that is available showing areas above 9.8 picocuries, but below 50 picocuries, may be the best that is available. Again, members discussed the need to provide a context for this map so that those not as informed about the site would not assume that the site had not been cleaned up.

A concern also was raised about wind-blown contamination. People are seeing dust kicked up near the site and are assuming there is a danger. The risk from air-borne contamination is an area that needs to be addressed for the public.

A final comment was made that maps need to provide context, with the major highway boundaries and other landmarks shown on them so that people can orient themselves when they look at the maps.

The Board will continue discussion of these topics with the goal of developing statements that will be included in the final set of recommendations on the forthcoming Proposed Plan.

#### **DISCUSSION ON PHYSICAL AND INSTITUTIONAL CONTROLS:**

At Committee Night, Board members developed a set of questions on institutional and physical controls to discuss at this meeting. The questions focused on institutional and legal controls; the state's Environmental Covenants law; and access and physical controls.

At the Board meeting, Dan Miller of the State Attorney General's office was asked what the state wants to see in terms of institutional and access controls. Dan said fences and signs are still under consideration. However, the main concern of the state was that DOE comply with the state Environmental Covenant law, which establishes restrictions on the use of land where there is residual contamination. While DOE initially declined to enter into the agreement, the agency has now complied. Dan said at the present the state and DOE are negotiating a covenant for the Present Landfill. He said, however, that he anticipates there will be a covenant for the entire site. He emphasized that those decisions are still being made.

A Board member wanted to know how the guidance published for institutional controls by the Environmental Protection Agency would affect institutional controls. The EPA has set forth guidelines for institutional controls on land that has not been released for unrestricted use. Larry Kimmel of the EPA said the state law is more restrictive than the EPA guidance. Larry also said that federal law sets forth a five-year review to make sure the remedy continues to be effective. He said that the five-year review also mandates that the effectiveness of institutional controls be examined. A Board member said a study by the General Accountability Office found the five-year reviews were not effective.

In answer to a question, Dan said there were provisions in the state covenant law for the state to notify local governments whenever a covenant is placed on land. There is also a provision that local governments notify the state if there is a prospective change in land use. Dan said the state tried to create a law that would help maintain coordination with local governments over a period of decades.

Dean Rundle of the U.S. Fish and Wildlife Service said that under federal law, the federal government will own Rocky Flats and he did not foresee local governments making decisions on the property unless the law is changed. In answer to a question from Dean, Dan said that the restrictions placed at Rocky Flats would only apply to land retained by the Department of Energy and not to refuge land.

In answer to a question on when DOE is expected to propose the institutional controls that would cover the property, Scott Surovchak said controls would be written into the Proposed Plan, a draft of which is expected to be released in late spring or early summer. The plan will be released for public comment. Even if the Board has

disbanded by the time the Proposed Plan is released, individual board members would be able to comment on the plan. Also the Board can make recommendations on what it thinks should be contained in the plan.

Bob Darr said there would be at least one public meeting on the Proposed Plan, and it would be held at night to ensure the broadest public participation.

The Board will continue discussion of these issues at the upcoming Committee Night meeting.

#### **CONSIDERATION OF LETTER ON CONCERNS ABOUT FUTURE REFUGE FUNDING:**

At its last Committee Night meeting, the members discussed concerns about the fact that there is no specific funding budgeted for the U.S. Fish and Wildlife Service to manage the Rocky Flats National Wildlife Refuge in 2007. The Board is concerned that the majority of the site will be turned over to Fish and Wildlife in 2007 without adequate funds to manage it. Based on the Committee Night discussion, a letter to the Department of Energy was drafted and presented for Board consideration. The letter stated the concern about lack of funding for the refuge and asked that the Department of Energy not turn over the land until funding to manage it was secured.

In discussing the letter, concerns were raised about whether this was an issue that the Department of Energy could, in reality, do anything about. The Board generally agreed that the real target for their concern is Congress, who should appropriate money to manage the refuge. As an advisory board, however, the Board must restrict its recommendations to the Department of Energy. Also, the hands of DOE are tied because the legislation establishing the refuge states that the land must be turned over once it has been certified as clean. Thus, it was decided not to approve the letter, but the members will continue to discuss ways to raise awareness about this issue.

#### **APPROVAL OF REVISED BUDGET AND CLOSEOUT PLAN:**

In October, the Board approved and submitted a budget to the Department of Energy that would provide funding for Board activities through the end of September 2006. DOE rejected this budget and asked the Board to concentrate more on a closeout plan and budget that recognizes the fact that cleanup decisions had already been made at the site and that the Board's work is essentially done.

Taking into consideration the Department's wishes, a revised budget and closeout plan was discussed by the Board. In the closeout plan, the Board will focus on three main activities:

- Developing recommendations related to the final Proposed Plan for Rocky Flats
- Producing a Legacy Report to the community outlining the Board's history, its recommendations, lessons learned and recommendations for the future.
- Closing down the Board

The Board's goal is to have these activities accomplished no later than June 2006.

A substantially reduced budget was considered to support these activities. The revised budget totals just under \$87K and will seek new funding from the Department of Energy at just over \$62K. The Board has carryover funding from 2005 just under \$25K.

The Board approved the closeout plan and budget.

#### **PLANNING FOR UPCOMING MEETINGS:**

At its January 18 Committee Night meeting, the Board will review its discussions on the maps and graphics and on physical and institutional controls. The goal is to begin developing statements or recommendations to be included as part of the final recommendations on the Proposed Plan. The Board also will begin outlining its final Legacy Report.

The agenda for the February 2 Board meeting will be decided based on the results of the Committee Night

discussions.

**NEXT MEETING:**

*Date: February 2, 2006 6 to 9:00 p.m.*

*Location: College Hill Library, Room L-107, Front Range Community College*

*Agenda:*

- *To be determined based on Committee Night discussion*

**MEETING ADJOURNED AT 9:00 p.m. \***

(\* Taped transcript of full meeting is available in the RFCAB office.)

RESPECTFULLY SUBMITTED:

Bill Kossack, Secretary  
Rocky Flats Citizens Advisory Board

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The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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